IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 2013 of 2007(M)

PETITIONER:

DEVASSIA KUZHUPPIL,
KUZHUPPIL HOUSE, EDAVAKA P.O.,
MANANTHAVADY, WAYANAD DISTRICT-670 645.
(VILLAGE EXTENTION OFFICER, KALPETTA)

BY ADV. SRI.N.RADHAKRISHNAN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, RURAL DEVELOPMENT
DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE COMMISSIONER FOR RURAL DEVELOPMENT,
L.M.S.COMPOUND, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO.2013 of 2007

Dated this the 22nd day of January, 2007

JUDGMENT

The petitioner stands removed from service consequent on the order of conviction and sentence passed by the Enquiry commissioner and Special Judge, Kozhikode which was confirmed by this Court in appeal. He challenged the judgment of the trial court as also that of the appellate court before the Hon'ble Supreme Court in Criminal Appeal No.625/2000. In the light of the decision of the supreme Court in **Mohandas v State of Kerala** (2002(2) KLT 251 SC), the conviction and sentence was set aside and the petitioner was acquitted of the charges vide Ext.P5 order dated 29.3.2006. Immediately thereafter, the petitioner filed Ext.P6 representation before the second respondent requesting to review the order removing him from service and to reinstate him with all consequential benefits. No orders have been passed by the second respondent despite the expiry of one year from the date of submission of Ext.P6. In the above circumstances, the petitioner has filed this writ petition.

2. Heard the Government Pleader for the respondents.

3. Since the petitioner stands removed from service, the second

respondent ought to have passed immediate orders on Ext.P6. The delay in passing orders on Ext.P6 will result in a failure of justice. Hence, the second respondent is directed to pass orders on Ext.P6, taking into account Ext.P5 order of the Supreme Court. This shall be done within two weeks from the date of receipt of a copy of the judgment. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the second respondent for compliance.

K.K.DENESAN, JUDGE

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